



Entered on Docket
February 18, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re: THE RHODES COMPANIES, LLC

BK CASE NO.: 09-14814-LBR

Chapter 11

**ORDER SCHEDULING
SETTLEMENT CONFERENCE**

**Conference Dates: April 7, 2011
Conference Time: 9:00 a.m.**

Debtor(s) /

A settlement conference regarding Objection to James Rhodes' proof of claim No. 814-33 (Docket #1149) is hereby ordered to commence on April 7, 2011 at 9:00 a.m. before Judge Gregg W. Zive at the Foley Federal Building, 3rd Floor, 300 Las Vegas Blvd., S., Las Vegas, Nevada.

All counsel of record that will be participating in the trial of this case, all parties appearing pro se, if any, and all individual parties must be present.

In case of non-individual parties, counsel shall arrange for a representative, with binding authority to settle, to be present in court for the duration of the settlement conference. Only upon obtaining an order from the settlement conference judge in advance of the settlement conference may a client participate telephonically.

1 Any requested exception to the attendance requirements must be submitted to the
2 settlement conference judge for approval in advance of the settlement conference.

3 **PREPARATION FOR SETTLEMENT CONFERENCE**

4 *No later than seven business days before the settlement conference, the parties shall*
5 *exchange written settlement offers.* No later than four business days before the settlement
6 conference each party shall submit a confidential settlement conference statement, *which will*
7 *include a copy of the last settlement offer*, to the **chambers of Judge Zive** for in camera
8 review. If not timely submitted, sanctions may be imposed. The settlement conference statement
9 shall be no longer than 5 double-spaced pages. The settlement conference statement shall contain
10 the
11 following:

- 12 1. A brief statement of the nature of the action.
- 13 2. A concise summary of the evidence that supports your theory of the case, including
14 information documenting your damages claims. You may attach to your statement a limited number
15 of documents or exhibits that are especially relevant to key factual or legal issues.
- 16 3. A brief analysis of the key issues involved in the litigation.
- 17 4. A discussion of the strongest points in your case, both legal and factual, and a frank
18 discussion of the weakest points as well. The court expects you to present a candid evaluation of the
19 merits of your case.
- 20 5. A further discussion of the strongest and weakest points in your opponents' case,
21 but only if they are more than simply the converse of the weakest and strongest points in your case.
- 22 6. A history of settlement discussions, if any, which details the demands and offers
23 which have been made, and the reasons they have been rejected.
- 24 7. The settlement proposal that you believe would be fair.
- 25 8. The settlement proposal that you would honestly be willing to make in order to
26 conclude this matter and stop the expense of litigation.

27 The settlement conference statement should be delivered to chambers in an envelope clearly
28 marked "Contains Confidential Settlement Brief" or faxed to the settlement conference judge.

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2 The purpose of the settlement conference statement is to assist the judge in preparing for
3 and conducting the settlement conference. In order to facilitate a meaningful conference, your
4 utmost candor in responding to all of the above listed questions is required. The confidentiality of
5 each statement will be strictly maintained and following the conference, the statements will be
6 destroyed.

7 DO NOT SERVE A COPY ON OPPOSING COUNSEL. DO NOT DELIVER OR MAIL
8 THE STATEMENT TO THE CLERK'S OFFICE.

9 **The settlement conference shall not be continued or vacated without prior approval**
10 **of the judge assigned to the case.**

11 FAILURE TO APPEAR WILL RESULT IN THE IMPOSITION OF SANCTIONS. IF THE
12 MATTER IS SETTLED BEFORE THE SETTLEMENT CONFERENCE DATE, THE PARTIES
13 MUST NOTIFY THE SETTLEMENT CONFERENCE JUDGE'S CALENDAR CLERK SO THAT
14 THE MATTER CAN BE TAKEN OFF CALENDAR.

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16 BNC Notice to:
Nile Leatham
17 Edward M. McDonald
Shirley S. Cho
18 Zachariah Larson
Anne M. Loraditch
19 U.S. Trustee-LV-11

20 Mail Notice to:
Akin Gump Strauss Hauer & Feld
21 Philip C. Dublin
Meredith A. Lahaie
22 Abid Qureshi
Christopher Clore
23 One Bryant Park
New York, NY 10036

24 James I Stang
25 10100 Santa Monica Blvd. #1100
Los Angeles, CA 90067
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27
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